



Express Mail No.: ED 663 710 569 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/004,494 Confirmation No. 9399
Applicant : Chang, Yung-Fu
Filed : November 2, 2001
Title : *Ehrlichia canis* genes and vaccines
Art Unit : 1632
Examiner : Montanari, David A.
Docket No. : 1258-006 CIP
Customer No. : 20874

**TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56 AND § 1.97**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorney for Applicant hereby directs the Examiner's attention to references CG - CJ listed on the attached forms PTO/SB/08A and PTO/SB/08B entitled "Information Disclosure Statement By Applicant." Copies of an International Search Report published June 10, 2004 (International Publication No. WO 2003/089571 A3) and issued in connection with International Application No. PCT/US02/035136, foreign cited references and non-patent literature documents (references CG - CJ) are also enclosed.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all of the possible relevant information.

Page 1 of 3

10004494

09/17/2007 FME TEK11 00000005/ 500289 180.00 DA

01 FC:1806

Remarks. While recently performing a review of the file record of the above-captioned application in connection with the preparation of the accompanying Amendment and Response under 37 C.F.R. § 1.116, the undersigned discovered that the previous Attorney-of-Record for the Applicant had not filed, within three months of the issuance of the International Search Report for International Application No. PCT/US02/35136, a Supplementary Information Disclosure Statement that cited the Search Report and references cited therein. The undersigned states that this omission appears to have been an accidental oversight and not carried out with any deceptive intent on the part of the previous Attorney-of-Record or of the undersigned.

Ref. CG, International Publication Number WO 01/07625 A2, is published international application PCT/US00/19763, the PCT counterpart application of U.S. Patent Application No. 09/358,322, of which the present application is a continuation-in-part application. The Applicant therefore submits that this reference is a cumulative reference with respect to references of record in the present application. Furthermore, Ref. CG does not disclose the recited sequences in the pending claims of the subject application and therefore cannot anticipate the claims or render them obvious.

Ref. CH, Database NCBI Accession Number AX077837, is a sequence listing of sequence 4 from Ref. CG above, International Publication Number WO 01/07625 A2. This sequence listing corresponds to SEQ ID NO. 4 in parent U.S. Patent Application No. 09/358,322. The Applicant therefore submits that this reference is a cumulative reference with respect to references of record in the present application. Furthermore, Ref. CH does not disclose the recited sequences in the pending claims of the subject application and therefore cannot anticipate the claims or render them obvious.

Ref. CI, Ogasawara, K. et al. (A strategy for making synthetic peptide vaccines. Proc. Natl. Acad. Sci. USA 89: 8995-8999. Oct. 1992) discloses a method of making synthetic peptide vaccines for type A influenza virus strain A/Aichi/2/68 (H3N2) (influenza Aichi virus). Ref. CI neither discloses the recited sequences in the pending claims of the subject application nor does it provide an apparent reason to combine the disclosed method for making vaccines with prior art elements that would render the pending claims of the subject

application obvious.

Ref. CJ, Chang, W.L. et al. (Specific amplification of *Ehrlichia platys* DNA from blood specimens by two-step PCR. *J. Clin. Micro.* 34(12): 3142-3146. Dec. 1996) discloses specific amplification of *Ehrlichia platys* DNA by a two-step PCR method for use in diagnosis of *E. platys* infection. Ref. CJ neither discloses the recited *Ehrlichia canis* sequences in the pending claims nor does it provide an apparent reason to combine the disclosed two-step PCR method with prior art elements that would render the pending claims of the subject application obvious.

It is respectfully requested that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

It is believed that a fee of \$180.00 is due in connection with this filing. If there are any other fees due or fee deficiencies in connection with the filing of this paper or accompanying papers, please charge the fees to Marjama Muldoon Blasiak & Sullivan LLP's Deposit Account No. 50-0289. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the Deposit Account.

Respectfully submitted,

Date: September 13, 2007

Anne M Schneiderman

43,095

Anne M. Schneiderman

(Reg. No.)

For: MARJAMA MULDOON BLASIAK & SULLIVAN
LLP
250 South Clinton St.
Suite 300
Syracuse, NY 13202
(315) 425-9000

Enclosures